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UNCLAS SECTION 01 OF 02 HANOI 001870

SIPDIS

DEPARTMENT FOR CA/OCS/CI, CA/OCS/ACS/EAP, CA/OCS/PRI,  
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Bangkok for DHS/DD  
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E.O. 12958: N/A

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SUBJECT: VIETNAM ADOPTIONS: NO FORWARD MOTION, LOSS OF  
YARDAGE

REF: A) HANOI 1759 B) STATE 168760, C) AND PREVIOUS

1. (SBU) Summary. The Ministry of Justice (MOJ) reorganization has all but halted forward progress on reaching any bilateral understanding on adoptions. Post has yet to receive written confirmation that a document other than a bilateral agreement will be acceptable, and has been told that the offices of the Prime Minister and State President are not currently likely to accept anything other than a bilateral agreement. In addition, the GVN's former lead adoption agreement negotiator (who was the principal source of support for the USG position) is no longer in charge. We expect little progress in the foreseeable future as the Ministry of Justice's new Office of International Adoptions gets up and running. End Summary.

NO ONE IN CHARGE  
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2. (SBU) As initially reported ref A, a July 12 reorganization within MOJ resulted in the nominal shifting of responsibilities for adoptions negotiations to the newly created Office of International Adoptions (OIA). However, OIA is still in transition. The individuals formerly responsible for adoption "agreements" no longer have any decision-making authority, and their successors (and their roles) have not yet been identified.

NO RESPONSE  
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3. (SBU) On July 11, the Consular section contacted MOJ Director of International Cooperation, Nguyen Van Binh, to reiterate the USG request for written confirmation that a document other than a bilateral agreement would be acceptable. When no response to the request was forthcoming, the Consular section contacted Binh again on July 16. Binh admitted that the offices of the Prime Minister and State President are opposed to any document that is not a formal bilateral agreement. Additionally, Binh noted that he strongly believes that if he officially asks for approval to move forward with negotiation of a document other than a bilateral agreement at this time, the answer will be "no."

BINH IS AN ALLY...  
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4. (SBU) Binh said that he had been trying to find legal precedents in which the GVN entered into (and the State President ratified) an accord that was not a bilateral agreement, but to date has been unsuccessful. He has requested the assistance of the Vietnamese Embassy in Washington in this matter.

5. (SBU) Binh nonetheless expressed hope in building consensus in support of an MOU, Protocol, or similar document within the interagency working group on international adoptions. This group will include members of all relevant Ministries, as well as representatives of the offices of the Prime Minister and State President. It is the same group that will consider our latest draft Protocol. Binh asked for more time to build this consensus. He stated that no interagency working group meeting would take place until after the staffing of the MOJ's new Office of International Adoptions was clarified, the issues thoroughly reviewed by the new staff, and summer vacation season was over. The earliest this meeting could take place is late September or October.

... BUT IS NO LONGER IN CHARGE  
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6. (SBU) Unfortunately, however, Binh is no longer the point person for adoptions - his Prime Ministerial designation as lead negotiator for international adoptions expired July 12. Binh now serves only as an "advisor" on the issue while OIA gets up to speed. Per ref A, Binh has said that it was unlikely that he would be assigned to head

up the new OIA.

COMMENT

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17. (SBU) Binh has consistently demonstrated an understanding of the U.S. position and a willingness to work with us to reach bilateral consensus. However, with the loss of his authority as lead negotiator for international adoptions, it is not at all clear that he will be in a position to influence policy decisions in this area.

18. (SBU) What is clear is that, with the creation of OIA, we are potentially back to square one. The change in personnel responsible for international adoptions is likely to result in a thorough re-evaluation of the issues and the GVN's position. Given the current opposition in the offices of the Prime Minister and the State President, and further given the tendency of GVN officials to reject positions of their predecessors in an effort to exert authority, cultivating support with the new personnel in the OIA will be an uphill battle.

19. (SBU) We will continue to make every effort - engaging both Binh and the (as yet unnamed) new officials at OIA - to move forward with the latest draft. However, we expect little progress in the foreseeable future as the OIA concentrates on getting up and running.  
BURGHARDT